

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: IKUNOSHIN KATO  
 Appln. No. 09/937,375  
 Date Filed: September 24, 2001  
 For: GENE THERAPEUTICS



Honorable Commissioner for Patents,  
 U.S. Patent and Trademark Office  
 2011 South Clark Place  
 Customer Window, Mail Stop Non-Fee Amendment  
 Crystal Plaza Two, Lobby, Room 1B03  
 Arlington, Virginia 22202

Sir:

Transmitted herewith is a [X] RESPONSE TO RESTRICTION REQUIREMENT the above-identified application.

[ ] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted  
 [ ] Applicant claims small entity status. See 37 C.F.R. §1.27.  
 [XX] No fee is required.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NO. PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA EQUALS
TOTAL	* 143	MINUS	** 143	
INDEP.	* 4	MINUS	*** 6	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

ADDITIONAL FEE TOTAL

SMALL ENTITY		OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
x 9	\$	x 18	\$
x 43	\$	x 86	\$
+ 145	\$	+ 290	\$
ADDITIONAL FEE TOTAL		TOTAL	

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 \*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.  
 \*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time  
 If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[ ] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

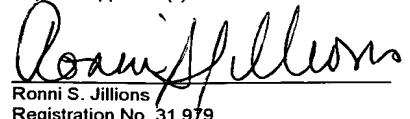
Small Entity  
 Response Filed Within  
 [ ] First - \$ 55.00  
 [ ] Second - \$ 210.00  
 [ ] Third - \$ 475.00  
 [ ] Fourth - \$ 740.00  
 Month After Time Period Set

Other Than Small Entity  
 Response Filed Within  
 [ ] First - \$ 110.00  
 [ ] Second - \$ 420.00  
 [ ] Third - \$ 950.00  
 [ ] Fourth - \$ 1480.00  
 Month After Time Period Set

[ ] Less fees (\$\_\_\_\_\_) already paid for \_\_\_\_ month(s) extension of time on \_\_\_\_\_.  
 [ ] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$\_\_\_\_\_.  
 [XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: KATO=18

In re Application of: ) Art Unit: 1635  
IKUNOSHIN KATO ) Examiner: J. E. ANGELL  
Appln. No.: 09/937,375 ) Washington, D.C.  
Filed: September 24, 2001 ) Confirmation No. 8012  
For: GENE THERAPEUTICS ) March 15, 2004  
 )

### RESPONSE TO RESTRICTION REQUIREMENT

Customer Window, Mail Stop **Non-Fee Amendment**

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Sir:

In response to the Restriction Requirement mailed on February 17, 2004, Applicant elects the following:

Group: Group II (claims 8-13, 40 and 42-45, drawn to a composition that contains two functional substances, one that has affinity for virus and another that has an affinity specific for a target cell);

Sub-group: Sub-group 2 (claim 10, drawn to heparin-II-binding domain of fibronectin); Sub-group G (claim 11, drawn to cells); and Sub-group a (claims 12 and 13, drawn to a vascular endothelial cell);

Species: (viii) cancer cells; (i) an enzyme; and (i) retrovirus vector;

Claims readable on the elected species: claims 8-13, 40 and 42-45.

Appln. No. 09/937,375  
Amd. dated March 15, 2004  
Reply to Office Action of February 17, 2004

Favorable consideration on the merits is respectfully requested.

If the Examiner has any questions he is invited to contact the  
undersigned at 202-628-5197.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

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